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Outcomes of Bargaining Structures in the Ontario and Saskatchewan Construction Industries

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Résumé de l'article

Depuis au moins deux décennies, les législateurs ont renouvelé les structures de négociation dans l'industrie de la construction. La phase initiale a consisté à renforcer les associations d'employeurs par l'établissement de régimes d'accréditation. Des réformes subséquentes porteront sur l'établissement de structures de négociations provinciales obligatoires et sur la réglementation du choix des agents de négociation. Le but de l'article est de reconsidérer le développement de la législation récente en Ontario et en Saskatchewan et d'évaluer son impact sur le processus de négociation et ses résultats.

Bien que les deux provinces aient imposé la négociation obligatoire par métier à la grandeur de la province, l'empressement pour le changement fut différent. L'Ontario, qui a établi l'accréditation par métier en 1971, fut désappointée de l'incapacité de l'industrie d'accepter volontairement la négociation sur une base élargie. Dans la réalité, les structures de négociations restèrent fragmentées par métier et par région. Contrairement à la plupart des provinces, la Saskatchewan ne légiféra pas sur l'accréditation au début des années 1970. Tout de même, la négociation provinciale fut expérimentée par la plupart des métiers. Le résultat en fut que la structure de négociation manqua d'assises juridiques et que les associations d'entrepreneurs ne bénéficiaient pas de la protection offerte par l'accréditation. Ainsi, selon des modes différents, chaque province adopta des réponses conçues en vue d'améliorer le régime de négociation collective.

Notre analyse se fonde surtout sur une comparaison des expériences de négociation à la fois antérieures et postérieures à l'établissement de structure de négociations obligatoires. Dans le cas de l'Ontario, nous avons comparé la période 1970-1977 (négociations au niveau local) et 1978-1982 (les trois premières rondes de négociations provinciales); en Saskatchewan, nous avons comparé la période antérieure à l'accréditation (1970-1979) avec les deux rondes de négociations sous le régime de l'accréditation (1980-1982). Là où la chose se pouvait, nous avons aussi tenu compte des résultats de la ronde de négociation de 1984.

La négociation au plan de la province a donné des résultats mitigés. La fréquence relative des grèves a décliné en Ontario (de 17 à 09 grèves par millier de travailleurs), mais le déclin ne fut que peu marqué en Saskatchewan (de 44 à 38 grèves par mille travailleurs). Les deux provinces ont enregistré des augmentations dramatiques de la dureté des conflits industriels. Le nombre de jours-personnes perdus par millier de travailleurs s'est élevé de 92 pour cent en Ontario et de 116 pour cent en Saskatchewan. Ces majorations correspondent aux changements dans le volume et la durée des arrêts de travail. On peut examiner dans une autre perspective le fonctionnement des structures de négociations obligatoires en analysant les résultats des grèves au cours des principales rondes de négociations en regard de ceux qu'on observe pour l'ensemble du pays. Pour la plupart des grèves, les données ontariennes se comparent à la moyenne nationale, ce qui est surtout vrai pour l'année 1982, année particulièrement mauvaise en matière de conflits dans l'industrie de la construction. Toutefois, la ronde de négociations de l'année 1984 s'est terminée sans aucun arrêt de travail. Au contraire, le nombre des grèves fut beaucoup plus élevé que la moyenne nationale en Saskatchewan. Notre analyse portant sur les règlements des questions salariales a démontré que ceux-ci avaient été modérés comparativement à ceux de la décennie 1970. Cependant, c'est en Ontario que cette modération fut la plus évidente. Les augmentations moyennes annuelles tant au plan local que provincial de négociation furent généralement au-dessous de la moyenne canadienne. À la suite de l'établissement de la négociation provinciale en 1978, les majorations annuelles moyennes tombèrent aussi basses que de quatre à cinq pour cent dans certaines villes. Il y a donc preuve que la négociation centralisée a favorisé des ententes générales et uniformes tout en diminuant les tactiques de saute-mouton des syndicats.

Contraste frappant, les ententes salariales en Saskatchewan ont été parmi les plus élevées au Canada. Tandis qu'il se produisit certaine modération dans les majorations de salaires dans l'industrie de la construction à la suite de l'accréditation, celles-ci furent de trois pour cent au-dessus de la moyenne nationale entre 1980 et 1984, aussi Saskatoon et Regina enregistrèrent-elles les hausses les plus fortes parmi les villes canadiennes. Les raisons semblent en être attribuables à la forte demande de l'industrie ainsi qu'à la recherche par les syndicats de la parité salariale avec les corps de métiers en Alberta.

Les résultats constatés par cette étude confirment le point de vue selon lequel les changements dans la structure de négociations n'engendrent pas instantanément la stabilité des relations professionnelles. À court terme, les ajustements structurels donnent souvent lieu à des actes de grève plus graves. En Ontario, les parties se sont bien adaptées à la négociation par métier et à la négociation provinciale. L'Ontario a profité du fait qu'il y avait un consensus favorisant des modifications majeures à la structure des négociations et qu'il y eut d'intenses consultations entre les représentants du gouvernement, des travailleurs et des employeurs. Bien que la Saskatchewan ait opté pour un type de négociation par métier au plan provincial, des problèmes survinrent parce qu'une seule association d'employeurs avait acquis les droits de négocier pour la plus grande partie de l'industrie. Les craintes initiales des syndicats de la Saskatchewan au sujet de la négociation multi-métiers se sont avérées bien fondées. Le résultat en fut que les parties transposèrent simplement les problèmes qui avaient empoisonné leurs relations dans la structure d'accréditation d'où la continuation des vieilles querelles. La fiction juridique de la négociation pour un seul métier en face de la négociation multi-métiers *de facto* conduisit à l'abrogation de la loi sur l'accréditation de la Saskatchewan après la ronde de négociations de 1982.

Outcomes of Bargaining Structures in the Ontario and Saskatchewan Construction Industries

Joseph B. Rose
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This article seeks to evaluate how legislations redesigning bargaining structures in the Ontario and Saskatchewan construction industry influenced employer and union organizations and to estimate its effects on strike activity, negotiated wage settlements and nonwage outcomes.

For at least two decades, policymakers in Canada have been redesigning bargaining structures in the construction industry. The initial phase focused on strengthening employer associations through a system of accreditation. Subsequent reforms included creating mandatory provincial bargaining structures and regulating the choice of bargaining agents. The purpose of this article is to review this legislation in Ontario and Saskatchewan and to assess its impact on the bargaining process and bargaining outcomes. Specifically, we seek to evaluate how it influenced employer and union organizations and its effect on strike activity, negotiated wage settlements and nonwage outcomes.

The findings reported in this study are not intended to be representative of the Canadian construction industry experience under broader-based bargaining¹. Our primary objective is to provide a detailed and comparative case study of public policy initiatives aimed at stabilizing construction labour relations. Ontario and Saskatchewan were selected because in the late 1970s both provinces made province-wide bargaining by trade mandatory and gave government the power to designate provincial bargaining agents. Notwithstanding these similarities, we recognized there were differences in the bargaining histories and institutional arrangements in each province and our analysis attempted to capture the importance of these intervening factors. By using the case study approach, we hoped to develop a

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1 For a Canadian overview, see Joseph B. ROSE, «Labor-Management Relations in Canada's Construction Industry», *Proceedings of the Thirty-First Annual Meeting of the Industrial Relations Research Association*, Madison, IRRA, 1978, pp. 103-110.

better understanding of how mandatory bargaining structures operate. In this regard, we were only partially successful because Saskatchewan repealed its legislation following the 1982 bargaining round.

MANDATORY PROVINCE-WIDE BARGAINING

The impetus for legislation in Ontario and Saskatchewan was different. Ontario, which had introduced trade accreditation in 1971, was disillusioned by the industry's failure to voluntarily adopt broader-based bargaining. Indeed, bargaining structures remained fragmented by trade and geographic area. In Saskatchewan, voluntary province-wide bargaining predated accreditation. As a result, the bargaining structure lacked legal underpinnings and contractor associations did not have the protections afforded by accreditation. Thus in different ways, each province adopted reforms designed to improve its own collective bargaining system.

Ontario

In 1976, the Minister of Labour established an Inquiry Commission whose terms of reference were:

- 1) to inquire into the existing bargaining areas and bargaining patterns in the construction industry;
- 2) to define the problems resulting from the present bargaining patterns in the construction industry;
- 3) to propose methods for reducing and rationalizing the number of bargaining patterns in the construction industry².

The report concluded that fragmented bargaining patterns remained a persistent source of labour-management instability and that restructuring was required.

The passage in 1977 of Bill 22 led to the realignment of bargaining structures in the 1978 bargaining round. Three major changes were introduced. First, collective agreements could only be negotiated between designated or certified employee bargaining agencies and designated or accredited employer bargaining agencies. The authority to designate was vested in the Minister of Labour, although questions arising out of designa-

² *Report of the Industrial Inquiry Commission into Bargaining Patterns in the Construction Industry in Ontario*, D.E. FRANKS, Commissioner, Toronto, Ontario Ministry of Labour, 1976, p. 2.

tion could be referred to the Ontario Labour Relations Board (OLRB). The designated bargaining agencies would have the exclusive authority to bargain for a specific trade or craft throughout the province. Second, only provincial, multi-employer collective agreements in the industrial, commercial, and institutional sector (ICI sector) would be valid³. In effect, single-trade, province-wide bargaining is mandatory and any other form of agreement or arrangement in the ICI sector is null and void. As a result, selective strikes are not permitted. Third, all collective agreements in force in the ICI sector would expire on April 30, 1978. Thereafter, all provincial agreements would have a common expiry date calculated biennially from April 30, 1978.

This approach represented a major shift in government policy in support of centralized bargaining. The introduction of province-wide bargaining also necessitated organizational changes by labour and management. Local craft unions had to establish provincial councils and local contractor associations had to amalgamate or transfer their bargaining rights to their parent bodies or create new organizations. A total of 22 trades were designated for the purpose of provincial bargaining. Although it is difficult to measure how much consolidation Bill 22 created, it is estimated that the number of collective agreements in the ICI sector shrank from about 250 to about 22⁴.

As significant as these changes are, the amended statute did not provide for employer coordination on a multi-trade basis. There is, nevertheless, informal coordination through an umbrella organization known as the Construction Employers Coordinating Council of Ontario (CECCO). However, CECCO does not hold bargaining rights nor does it exercise authority over provincial bargaining agencies.

Actually, an earlier draft of the legislation made provisions for the designation of an umbrella organization to coordinate negotiations among employer bargaining agencies. Although each employer bargaining agency would have been required to join the umbrella organization, the latter was specifically prohibited from exercising the bargaining rights held by its members. Two factors apparently led to the removal of this feature from Bill 22. One was the opposition of labour and management to the proposal and the other was disillusionment with the multi-trade bargaining in British Columbia and Québec.

3 The ICI sector is one of seven divisions of the construction industry defined in the Ontario Labour Relations Act. The others are residential, sewers and watermains, roads, heavy engineering, pipeline and electrical power systems. Mandatory province-wide bargaining by trade was confined to the ICI sector because of its turbulent strike record and its tendency to be the pattern setter in wage bargaining.

4 Anthony WHITTINGHAM, «How Ontario Building Trade Bill Will Stop 'Leapfrogging' on Wages», *The Financial Post*, November 5, 1977, p. 36.

Saskatchewan

Due to union opposition Saskatchewan contractors were unable to secure government approval of accreditation legislation in the early seventies⁵. However, following the tumultuous 1978 bargaining round, the need for legal cohesion in multi-employer bargaining was recognized. To this end, policymakers wanted to establish a stable bargaining structure and give the contractors' principal bargaining agent, the Saskatchewan Construction Labour Relations Council (SCLRC), broader control over unionized employers, e.g., requiring membership in the association and conformity with its labour relations policies⁶.

The Construction Industry Labour Relations Act (CILRA), which became effective May 4, 1979, ushered in a number of important changes. In the first instance, it established a number of basic safeguards found in most accreditation schemes, e.g., it prohibited individual bargaining, double-breasting and brought unionized non-member firms within the bargaining unit. Second, as in Ontario, collective bargaining was to be conducted on a single-trade, province-wide basis. However, the Saskatchewan scheme was not limited to the ICI sector, but comprised all sectors including residential⁷. Because of the strategic importance of collective bargaining in the ICI sector and the fact that few residential contractors operate using union labour, our attention is focused on developments in this segment of the construction industry. Third, contractors and the building trades unions were required to establish bargaining agents whose jurisdiction conformed with the new bargaining structure. The Minister of Labour was empowered to designate employers' organizations for each trade and the Saskatchewan Labour Relations Board was given the authority to impose provincial trade union councils in the event they were not formed voluntarily. (A summary of legislative changes appears in Table 1.)

Following the Act's passage, the Minister established 20 trade divisions in the ICI sector and designated the SCLRC as the employer bargaining agent in 18 of the units⁸. This created a problem in that SCLRC was a large

⁵ The Labour Management Committee on the Construction Industry unanimously endorsed the idea in 1970, but the opposition of the building trades unions persuaded the NDP government not to adopt the recommendation. See C.K. MURCHISON, *et al.*, «Report of the Labour Management Committee on the Construction Industry», unpublished report to the Government of Saskatchewan, 1970.

⁶ *Debates and Proceedings of the Saskatchewan Legislative Assembly*, 23 April 1979, pp. 1931 and 1933 and 2 May 1979, pp. 2410-2411.

⁷ The Construction Industry Labour Relations Act specifies five sectors: ICI; sewer, tunnel and watermain; pipeline, residential; and roads.

⁸ The other two units belonged to trades which typically negotiated national agreements — boilermakers and sprinkler fitters.

multi-trade labour relations association. It was argued that «the spirit and intent of the Act» might be undermined by SCLRC's constitution, which gave its governing board authority over individual trade divisions. The unions, in particular, feared this arrangement would effectively result in coordinated multi-trade bargaining. In order to reaffirm the government's support for trade-by-trade bargaining and allay these concerns, the Act was amended one year later. It specified that where an employer's association represented more than one trade division, bargaining decisions shall be the sole responsibility of the contractors in that trade division. While the legislation was intended to foster autonomous trade bargaining, opponents of accreditation perceived SCLRC as a monolithic structure which would facilitate *de facto* multi-trade bargaining.

Unlike the legislative changes in Ontario, the Act did not seek to fundamentally change bargaining structures as much as to codify them. While accreditation introduced some important changes, e.g., prohibiting individual bargaining and project agreements, provincial negotiations remained the dominant pattern. In doing so, it cemented SCLRC's status as the dominant employer voice in construction bargaining.

TABLE 1
Aspects of Mandatory Bargaining Structures

<i>Legislative Changes</i>	<i>Ontario</i>	<i>Saskatchewan</i>
1. Mandatory provincial bargaining by trade	replaced predominantly local area bargaining; reduced the number of negotiation units to 22	only moderate changes resulted since most trades already bargained provincially; other trades had bargained on a broad regional basis
2. Employer and union bargaining agents	necessitated consolidation of local and sub-trade associations into provincial employer organizations; craft locals were required to organize provincial councils	SCLRC remained the dominant employer voice for virtually all trades; craft locals representing northern and southern Saskatchewan formed provincial councils
3. Multi-trade coordination	not legally required, but CECCO facilitates employer coordination on an informal basis; unions appeared less inclined to engage in informal coordination, prior to 1984 bargaining round	SCLRC's structure and the numerous trade designations it holds make multi-trade coordination a reality; unions shun multi-trade coordination

SCOPE AND SOURCES

To determine the effect of legislation on the structure of employer and union organizations, we examined the experience of six building trades — the bricklayers, carpenters, electricians, ironworkers (structural), labourers and plumbers (the latter five trades were studied in Saskatchewan). This represents one-quarter of the trades which bargain provincially. While the number of trades studied was determined by resource constraints, these trades are broadly representative of the construction industry. They represent a cross-section of skill and pay levels, mechanical and civil trades, tradesmen with diverse mobility patterns, and a variety of historical bargaining patterns. In addition, these trades comprise a majority of union membership in construction⁹.

In-depth interviews were conducted with 37 union and management representatives. Owing to its history of fragmented bargaining, more interviews were conducted in Ontario. The Ontario interviews involved not fewer than four respondents for each trade. On the union side, twelve interviews were conducted, eight with local union business representatives and four with international union representatives. Half of the union officials held elective or other positions with the provincial union bargaining council. The employer interviews included five contractors and nine staff representatives (six with a provincial employer bargaining agency and three with local affiliates). In Saskatchewan, interviews were conducted with nine union officials (three international representatives and six elected business managers) and two staff representatives of SCLRC. Interviewees were chosen on the basis of their familiarity with and participation in provincial negotiations.

STRUCTURAL REALIGNMENTS

In Ontario, the imposition of provincial bargaining structures necessitated organizational changes by contractors and unions; much less in Saskatchewan. In this section, we describe what organizational changes were made to accommodate mandatory provincial bargaining.

⁹ This is based on estimates derived from our interviews and unpublished total construction union membership figures provided by Statistics Canada. In Ontario, the six trades had approximately 58 000 members or 60 percent of the 96 8183 construction union members; in Saskatchewan, the five trades had about 3 300 members out of 5 367 union members in construction (or about 60 percent).

Ontario

The Minister of Labour designated provincial employer bargaining agencies (EBA's) and union bargaining agencies (UBA's) for 22 bargaining units. The shift to provincial negotiations required either the formation of new provincial organizations or modifications to existing organizations. Except for the few trades which bargained provincially prior to 1978, the legislation required most trades to reorganize. Provincial union councils were established to bargain on behalf of locals and district councils. On the employer side, local and regional trade associations were amalgamated into single trade provincial bodies. For six employer groups, federated structures were established to represent general and subtrade associations. For example, the Carpenters' EBA consists of employers affiliated with six different associations¹⁰.

The constitutions and by-laws of the provincial bargaining agencies addressed representational issues, bargaining functions and financing. The transitional period was smoothest for those trades with provincial bargaining experience and most difficult for trades where local autonomy was firmly entrenched. Within UBA's, the main problems included concerns about preserving local area conditions, representation on bargaining committees and proportional or weighted voting. Similar concerns accompanied the formation of EBA's. In addition, the EBA's which adopted federated structures had to cope with subtrades which had autonomous bargaining histories. The biggest concern was how to balance the interests of general and specialty trade contractors, particularly since the latter group was in a minority position. In one case, it was agreed to establish proportional voting and separate subtrade appendices in the provincial agreement. In another case, the Ministry of Labour intervened and drafted a constitution protecting the interests of specialty contractors. While the transitional period was not trouble-free, most provincial bargaining agents were able to resolve representational and other questions. Had there not been a consensus favouring provincial bargaining or had the government introduced a multi-trade bargaining system, implementation would have been far more difficult.

There is considerable variation in selecting representatives for EBA's and UBA's. Most of the EBA's provide equal representation from each local area affiliate (e.g., two members per local association) and select contractors as delegates. Those with federated structures, employ weighted

¹⁰ The groups include general and industrial contractors employing carpenters and subtrade associations involved in acoustical, resilient flooring, caulking, and interior systems work.

voting (based on size) and professional staff comprise a larger share of the delegates. Most UBA's adopted weighted representation schemes; delegate selection is either based on local union size or includes all full-time local union officials. Typically two delegates per local are chosen — the local business agent and another local official.

The EBA and UBA delegates comprise steering committees which oversee labour relations, e.g., formulate bargaining goals, advise negotiators and, in some cases, ratify settlements. Negotiating teams are appointed or elected from among the delegates and are broadly representative of the bargaining unit. The UBA negotiating committees consist of full-time local union business representatives. For most of our selected trades, an international union representative is present at the bargaining table, but is not formally a member of the negotiating team. Most EBA negotiating teams are comprised of contractors with local bargaining experience. Every provincial bargaining agency has had to develop procedures for dealing with local area conditions. The handling of local issues is problematic because of the high priority given to them by local union and management representatives and their lack of direct authority to alter them. Most trades establish subcommittees and/or side-tables for discussing local issues. Both EBA's and UBA's retain control over their subcommittees by establishing guidelines defining the scope of bargaining and by retaining final authority over any agreements. Side-table agreements which conform to the guidelines and are consistent with the master portion of the contract are incorporated into the provincial collective agreement.

Saskatchewan

With some notable exceptions, the new legislation codified the existing bargaining structure. As the designated employer bargaining agent for 18 trades, SCLRC would continue to act as the chief spokesman for contractors in all labour relations matters. In accordance with its Bylaws, SCLRC continued to pursue industry-wide standardization by establishing policies for the «uniform content, administration and interpretation of collective agreements»¹¹. Accreditation gave SCLRC greater capacity to achieve its objective by endowing it with the power and duty to bargain on behalf of nonmember union contractors.

A weighty issue was how SCLRC's past role as a multi-trade coordinating body would mesh with the legal requirement specifying single trade

¹¹ Saskatchewan Construction Labour Relations Council Inc., *Objects and Bylaws*, Regina, SCLRC, 1981, object 1 (g).

bargaining. Policymakers were keenly aware that the unions made single-trade bargaining a *quid pro quo* for their support of the new law. Although SCLRC's Bylaws suggested the trade divisions were autonomous, there continued to be substantial coordination among them.

Bargaining policy is developed by SCLRC's board of directors and constitutes the framework for approaching bargaining. The policy is refined and prepared for implementation by a coordinating committee consisting of representatives from each trade division. This includes clarifying the policy for the benefit of the trade divisions, adjusting it to a division's situation (where necessary), and developing bargaining strategy. Functionally, the coordinating committee's duties extend to ensuring trade division compliance with the guidelines. The trade division's opportunity for input includes representation and submissions to the committee. Generally, information and suggestions flow up from the trade division and policy flows down. Since the board of directors and the coordinating committee consist largely of representatives from the trade divisions, there is presumably a good deal of opportunity for input from member contractors.

When bargaining policy arrives at the trade division level, it tends to be directory in nature. The trade division may, and frequently does, request the coordinating committee to amend a policy guideline. This would be most common where the guideline is not relevant to the trade division. However, such a request is less likely to be accommodated where the policy has broad applicability. In this manner, the problem of inter-trade-division inconsistency is reduced. The system is further cemented by having SCLRC staff serve as spokesmen at each of the 18 tables. These professional staff members are employees of the central organization, not the trade division, and they are likely to respect SCLRC guidelines. Nevertheless, the final authority for ratifying collective agreements is vested in the trade division.

The unions were required to make greater changes to accommodate provincial bargaining, but not of the magnitude reported in Ontario. Most trades already had provincial councils and those that did not, typically had simplified structures, i.e., two locals in the province. Regional differences were accommodated through separate appendices to collective agreements.

The composition of bargaining committees varies from union to union. For example, the Labourers have been represented by two international representatives, one of whom also serves as the spokesman, and by two business agents, one from each local. The Carpenters also have used an international representative and the business agents from each of five locals. The other trades in our group rely exclusively on local union officials such as the presidents and the business representatives. Although different procedures were used to formulate bargaining objectives, the final proposals typically are ratified by the union membership.

There has been intertrade coordination among building trades unions in the areas of subsistence allowances, travel time, mileage and other matters affecting all trades. There seems to be a consensus that, since it costs the same for tradesmen to live and travel, these provisions should be standardized. The forum through which this coordination occurs is the weekly meetings of the Northern and Southern Building Trades Councils, meeting in Saskatoon and Regina, respectively. The trades do not coordinate other issues on a systematic basis although they exchange information. As a result, the trades have not developed united or integrated strategies for dealing with SCLRC.

The unions' reluctance to mirror management's approach to coordination reflects their preference to emphasize differences and distinctiveness, instead of focusing upon common interests. This has been reinforced by the employer's strong interest in a coordinated approach to bargaining. The legislative changes which enhanced employer solidarity resulted in no corresponding increase in interunion cooperation. This situation exists despite the fact that a decision by a single trade to strike or to settle with SCLRC almost inevitably has a direct impact upon the other trades. The unions' reluctance to take coordinated action has allowed the employer representative to assume the initiative in bargaining.

STRIKE ACTIVITY

Aggregate strike data were collected for the period 1970-1982 in order to compare the experience prior to and following the introduction of mandatory provincial bargaining. In the case of Ontario, we compared 1970-1977 (local bargaining) and 1978-1982 (the first three rounds of provincial negotiations); in Saskatchewan we compared the pre-accreditation period (1970-1979) with the two bargaining rounds under accreditation (1980-1982). We wish to note two data limitations, namely that Labour Canada strike statistics do not distinguish strikes by sector of the industry nor do they distinguish between interest and rights disputes. In the first instance, although major building construction is the dominant sector and often sets the pattern in wage negotiations, our results may be influenced by developments in other sectors. As well, the failure to distinguish disputes by contract status makes it impossible to focus exclusively on interest disputes or to distinguish years characterized by major bargaining rounds. In Saskatchewan, biennial contracts historically have been negotiated, but this was not the practice in Ontario until 1978 (previously contract expiration dates varied widely by trade and area). Given these difficulties, we chose to emphasize data for the sub-periods identified above rather than relying on year-to-year comparisons of strike activity.

An overview of construction strike activity between 1970 and 1982 is found in Table 2. While strike frequency declined under mandatory provincial bargaining in Ontario, other strike measures increased. The number of workers involved in work stoppages was nearly as high during five years of provincial bargaining as it was during eight years of local bargaining (107 289 workers versus 111 131 workers). As for the volume of strike activity, nearly 400 000 more man-days were lost under provincial bargaining. In Saskatchewan, the first round of mandatory provincial bargaining, involved a record number of strikers (5 966 workers), but most work stoppages were brief. The 1982 bargaining round was more turbulent and resulted in a record 362 660 man-days lost.

It is recognized that annual strike statistics fluctuate widely and a few work stoppages can distort the total figures¹². In Ontario, the two-month Carpenters' strike (1978) and the three-month Plumbers' strike (1982) accounted for a sizeable share of industrial conflict¹³. A six-month dispute over camp accommodations with four trades virtually halted construction activity in Saskatchewan in 1982.

To develop a better understanding of strike activity prior to and following the introduction of mandatory provincial bargaining, Table 3 presents standardized strike measures for both provinces. To begin with, Saskatchewan had a more serious strike problem in the 1970's; the relative frequency and the relative volume of strike activity was two to three times the level recorded in Ontario. The greater severity of strikes in Saskatchewan largely reflected the significantly longer duration of strikes (average duration was 26.3 days, nearly twice the average length in Ontario).

The strike experience under mandatory provincial bargaining has produced the expected results. The relative frequency of strikes declined significantly in Ontario (from .17 to .09 strikes per thousand workers), but only moderately in Saskatchewan (from .44 to .38 strikes per thousand workers). This undoubtedly is explained by the fact that there was already some consolidation of bargaining structures in Saskatchewan. In contrast with Ontario, the legal changes initiated in Saskatchewan were aimed at solidifying rather than altering the geographic scope of bargaining. The relative frequency of strikes in Saskatchewan remained substantially higher than Ontario.

12 See Stuart JAMIESON, «Industrial Conflict in Canada, 1966-75», The Centre for the Study of Inflation and Productivity, Economic Council of Canada, Discussion Paper # 142, December 1979 and Robert N. STERN, «Methodological Issues in Quantitative Strike Analyses», *Industrial Relations*, Vol. 17, February 1978, pp. 32-42.

13 In the first bargaining round (1978), the nine-week Carpenters' strike involved 572 000 man-days lost and accounted for 86 percent of the man-days lost in that year. Similarly, the three-month Plumbers' strike produced 462 000 man-days lost (50 percent of the 1982 total).

TABLE 2
Strike Activity in Construction, 1970-1982

Year	Number of Strikes	Ontario		Saskatchewan		
		Workers Involved	Man-days Idle	Number of Strikes	Workers Involved	Man-days Idle
1970	42	22,321	140,030	5	960	39,310
1971	20	8,541	205,080	4	411	1,340
1972	21	9,733	192,150	5	2 563	34,110
1973	20	10,549	155,960	3	55	1,860
1974	18	3,037	75,010	1	4 200	226,800
1975	58	23,804	383,110	0	0	0
1976	21	7,031	41,990	8	1 872	8,020
1977	29	26,115	348,130	22	2 627	9,460
1978	30	36,653	663,520	13	3 600	117,150
1979	7	4,997	21,810	6	475	2,570
1980	14	25,594	340,500	15	5 966	33,730
1981	7	1,588	2,430	1	59	60
1982	22	38,957	929,040	8	4 430	362,680

Source: Labour Canada, *Strikes and Lockouts in Canada*, 1970-1982.

TABLE 3
**Standardized Measures of Strike
 Activity in Construction, 1970-1982**

Strike Measures	Ontario		Saskatchewan	
	1970-1977	1978-1982	1970-1979	1980-1982
Relative Frequency (WS/1,000 WKRS)	.17	.09	.44	.38
Average Size (WI/WS)	485 workers	1,341 workers	250 workers	436 workers
Average Duration (MDI/WI)	13.9 days	18.2 days	26.3 days	37.9 days
Relative Volume (MDI/WKRSX1,000)	1,136	2,180	2,918	6,293

WS = number of work stoppages; WI = workers involved in strikes;

MDI = man-days idle due to strikes; WKRS = paid workers employed in construction.

Source: Labour Canada, *Strikes and Lockouts in Canada*, 1970-1982, and unpublished data provided by Statistics Canada on paid workers.

Both provinces experienced dramatic increases in the relative severity of industrial conflict. Man-days lost per thousand workers rose 92 percent in Ontario (from 1 136 to 2 180) and 116 percent in Saskatchewan (from 2 918 to 6 293). The increases correspond to changes in the size and duration of work stoppages. The average duration of strikes in Ontario went from 13.9 days (1970-1977) to 18.2 days (1978-1982); in Saskatchewan, the figures were 26.2 days (1970-1979) and 37.9 days (1980-1982). For the same periods, the size of strikes more than doubled in Ontario (from 485 to 1 341 workers) and increased nearly 75 percent in Saskatchewan (from 250 to 436 workers).

If mandatory bargaining structures were intended to promote labour relations stability, how do we account for the growing severity of industrial conflict? As noted above, bargaining structure is best viewed as an intervening variable between the bargaining environment and bargaining outcomes. Changes in bargaining structure alone cannot mute the influence of environmental factors. A number of economic influences, including construction demand and inflation will shape expectations and influence bargaining power. This was particularly evident in the 1982 bargaining round. Notwithstanding the 1981-82 recession, projected increases in construction activity combined with double-digit inflation prompted union demands for large wage settlements (discussed below)¹⁴.

It must also be recognized that the results reported here are not inconsistent with other provinces which adopted broader bargaining structures. Typically, these changes have been associated with a drop in relative strike frequency and an increase in the relative severity of strike activity. This is related to the existence of fewer, but substantially larger negotiating units and a shift in the categories (objectives) of strike activity, i.e., strikes are increasingly being influenced by the structure of bargaining on wage issues¹⁵. For example, while the average size of most categories of strikes¹⁶ increased in Ontario, the largest increase involved economic disputes, where the number of workers involved nearly quadrupled — from 795 (1970-1977) to

14 In 1980 and 1981, the volume of construction activity increased 12.3 and 17.9 percent, respectively (in constant 1971 dollars the figures were 4.3 and 5.5 percent). Construction volume was expected to increase \$6.6 billion in 1982 (or 11.6 percent), but actually declined 2 percent (or 8.9 percent in constant 1971 dollars). Statistics Canada, *Construction in Canada 1980-1982*, Ottawa, Statistics Canada, 1982, p. 9.

15 Joseph B. ROSE, *Public Policy, Bargaining Structure and the Construction Industry*, Toronto, Butterworths 1980, pp. 106-113.

16 Categories of disputes include stoppages over: (1) economic issues; (2) working conditions; (3) union organizing and security; (4) jurisdiction; and (5) total, including a residual category. See David B. LIPSKY and Henry S. FARBER, «The Composition of Strike Activity in the Construction Industry», *Industrial and Labor Relations Review*, Vol. 29, April 1976, pp. 390-391.

3 098 workers (1978-1982)¹⁷. Since economic disputes are often the result of a breakdown in contract negotiations and are, on average, substantially longer than noneconomic disputes (e.g., stoppages over work jurisdiction and union security), they have a direct influence on the severity of industrial conflict.

There can be little doubt that the imposition of province-wide bargaining also contributed to the severity of strike activity. Efforts to achieve a balance of power in construction labour relations were bound to upset historical relationships and lead to conflict. This was evident in the major work stoppages in both provinces. The 1978 Ontario Carpenters' strike resulted from: (1) the union's demand that all contractors extend union recognition throughout the province, even if their employees were not certified in all regions and (2) contractors' efforts to secure a standard clause which would permit subcontracting to nonunion firms. The 1982 Plumbers' dispute involved an unsuccessful union attempt to secure a monetary settlement in excess of the industry wage pattern. In Saskatchewan, structural problems impeded settlements in 1982, particularly the 14-week dispute with the Carpenters over wages and nonmonetary items and the six-month dispute over camp accommodations. The unions continued to object to SCLRC's defacto multi-trade bargaining which they argued was illegal. It appears relationship patterns were not changed by the 1980 round. In 1982, increased employer solidarity under accreditation contributed significantly to the length and breadth of industrial conflict.

Another perspective on the performance of mandatory bargaining structures can be gained by comparing strike figures in major bargaining rounds with the overall Canadian figures for construction. Table 4 compares data for 1980 and 1982, when virtually all construction contracts in Canada expired. For most strike measures, the Ontario figures are in line with the national average. This is particularly true for 1982, which was regarded as a particularly bad year for construction disputes¹⁸. In contrast, the relative frequency (1980 and 1982), average duration (1982) and relative volume of strike activity (1982) in Saskatchewan were substantially greater than the national average.

In the wake of the 1982 strike and with no opposition from the industry or unions, the recently elected Progressive Conservative Government

¹⁷ These statistics are derived from major work stoppages published by Labour Canada. A total of 143 work stoppages in construction in Ontario were listed for 1970-1977 and 49 disputes for 1978 to 1982. Labour Canada, *Strikes and Lockouts in Canada*, Ottawa, Economics and Research Branch, 1970-1982.

¹⁸ In 1982, the construction industry accounted for 38 percent of all man-days lost due to work stoppages in Canada. This is more than double the level (17.1 percent) that the construction industry recorded during the turbulent 1970's. Labour Canada, *loc. cit.*

repealed the CILRA in December 1983. Repeal of Saskatchewan's accreditation legislation coincided with a sharp and sustained decline in the demand for construction. The effect of shattering the statutorily-imposed multi-employer units has been further amplified by the profuse growth of unionized companies operating double-breasted, and of nonunion companies. The demand for union labour and the power of unions has declined in tandem. With 70 to 80 percent of union members being unable to find union jobs, the unions' capacity to engage in effective job action is very limited. The nonunion employers have been reluctant to hire union members for fear of becoming unionized.

The Ontario experience, on the other hand, suggests some basis for optimism about labour relations. In the short run, significant changes in bargaining structures may be followed by intense conflict. This was particularly evident in the Canadian construction industry generally and in British Columbia during the early to mid-1970's¹⁹. While Ontario experienced similar «start-up» problems, the Ontario share of total construction workers involved and man-days lost in Canada has declined from the levels reported in 1978²⁰. Moreover, 1984 contract negotiations were completed without a work stoppage.

TABLE 4
Strike Measures for the Construction Industry
1980 and 1982

	Ontario		Saskatchewan		Canada	
	1980	1982	1980	1982	1980	1982
Relative Frequency (WS/1,000 WKRS)	.08	.13	.83	.42	.13	.13
Average Size (WI/WS)	1,828 workers	1,771 workers	398 workers	554 workers	840 workers	1,496 workers
Average Duration (MDI/WI)	13.3 days	23.8 days	5.7 days	81.9 days	19.1 days	23.3 days
Relative Volume	1,881	5,433	1,533	19,088	2,109	4,382

Source: Labour Canada, *Strikes and Lockouts in Canada*, 1980 and 1982.

¹⁹ ROSE, *op. cit.*, pp. 109-113 and 133-162.

²⁰ The Ontario proportion of construction workers involved in strikes was 58.1 percent (1978), 44.2 percent (1980) and 41.3 percent (1982); the Ontario proportion of man-days lost was 53.8 percent (1978), 30.8 percent (1980), and 42.2 percent (1982). There are no published strike data for 1984, but management and union representatives reported there were no interest disputes in major building construction. Labour Canada, *loc. cit.*

WAGE SETTLEMENTS

To determine the effect of legislative changes on wages, we examined construction settlements prior to and following the introduction of accredited centralized bargaining and compared Ontario and Saskatchewan results with the Canadian average. The analysis was based on Statistics Canada data consisting of a 16-trade composite index for wages and supplementary benefits for 22 cities²¹. Table 5 represents the wage data for Ontario and Saskatchewan cities and the Canadian average.

The data indicate wage settlements declined from the record levels of the 1970's²². Following the removal of the Anti-Inflation Program in 1978, wage settlements moderated through the 1980 bargaining round. However, the prospect of economic recovery and high inflation sparked demands for wage catch-up in 1982 across Canada.

Wage moderation was more evident in Ontario. Average annual wage increases under local and provincial bargaining were, for the most part, below the Canadian average. Following the introduction of provincial bargaining in 1978, average annual increases dropped by as much as four to five percentage points in some cities. In this latter period, seven of the nine Ontario cities were ranked in the bottom half of the 22 Canadian cities (including positions 20 through 22) and most reported wage increases below the national average.

In sharp contrast, Saskatchewan wage settlements have been among the highest in Canada. With the exception of St. John's, construction wages rose faster in Saskatoon and Regina than all other Canadian cities in the period 1971-1980, exceeding the national average by more than four percentage points. While there was some moderation in construction wages following accreditation, Saskatchewan settlements remained relatively high. Between 1980 and 1984, construction settlements were three percentage points above the national average and Saskatoon and Regina recorded the largest wage gains among Canadian cities.

The higher Saskatchewan wage settlements appear to be attributable to three broad factors. First, between 1972 and 1982 construction demand was more robust in Saskatchewan than all other provinces except Alberta. The

²¹ The index includes the following pay supplements: vacation pay, statutory holiday pay, pensions and health and welfare. Statistics Canada, *Construction Price Statistics*, Ottawa, Statistics Canada, 1971-1984.

²² Joseph B. ROSE, «Construction Labour Relations», John Anderson and Morley Gunderson, eds., *Union-Management Relations in Canada*, Toronto, Addison-Wesley, 1982, pp. 414-416.

total volume of construction work increased 323 percent (from \$593 million to \$2.2 billion); the comparable growth rates for Ontario and Canada were 130 percent and 224 percent, respectively²³. In the same period, the number of paid workers in construction rose from 14 000 to 24 000²⁴. Second, the building trades' unions in Saskatchewan aggressively pursued wage parity with their Alberta counterparts. Substantial growth and high wage settlements in Alberta fueled wage expectations and enabled Saskatchewan workers to narrow inter-provincial wage differentials. Comparisons with Alberta were strengthened by the fact that striking Saskatchewan tradesmen were able to find alternate employment there during work stoppages. Third, in the pre-accreditation period, contractors lacked legal cohesion in bargaining. As a result, unions successfully challenged employer bargaining positions and exploited divisions in contractor ranks.

TABLE 5
Percentage Change in the Composite Index of Compensation
in the Construction Industry by City, 1971-1984

<i>Ontario Cities</i>	<i>Percentage Increase 1978-1984¹</i>	<i>Annual Average</i>	<i>Percentage Increase 1971-1978²</i>	<i>Annual Average</i>
Kitchener	68.5%	11.4%	92.0%	13.1%
London	66.7	11.1	102.5	14.6
Ottawa	65.3	10.9	111.5	15.9
Sudbury	64.0	10.7	86.8	12.4
Thunder Bay	62.2	10.4	107.3	15.3
Windsor	61.1	10.2	82.8	11.8
St. Catharines	60.5	10.1	101.3	14.5
Hamilton	58.8	9.8	86.8	12.4
Toronto	58.7	9.8	99.3	14.2
Canada-wide	65.0	10.8	105.8	15.1
<i>Saskatchewan Cities</i>	<i>Percentage Increase 1980-1984¹</i>	<i>Annual Average</i>	<i>Percentage Increase 1971-1980²</i>	<i>Annual Average</i>
Saskatoon	58.6	14.6	170.2	18.9
Regina	58.5	14.6	169.8	18.9
Canada-wide	46.6	11.6	131.1	14.6

1. Calculated from April to April in accordance with contract expiration dates.

2. Calculated from 1971 (1971 = 100) to April 1978 (Ontario) or April 1980 (Saskatchewan).

Source: Statistics Canada, *Construction Price Statistics*, 1971-1984.

²³ Statistics Canada, *Construction in Canada*, Ottawa, Statistics Canada, 1972-1982.

²⁴ Unpublished data provided by the Labour Force Survey Division of Statistics Canada.

The more moderate Ontario construction wage settlements have been influenced by the absence of strong demand pressures and sustained employment growth. The number of paid workers in construction has remained relatively constant since 1975²⁵. In addition, disaggregated data indicate two discernable effects of provincial bargaining on wages. First, individual trades consistently negotiated uniform across-the-board monetary settlements, thereby preserving inter-area wage differentials. Second, and notwithstanding the absence of formal multi-trade coordination, pattern bargaining has become increasingly prevalent. With the exception of the 1980 bargaining round, there was substantial uniformity in the total monetary settlements across trades²⁶. In the 1984 round, the civil trades bargained on a coordinated basis, reaching a settlement six months prior to the agreements' expiration.

Provincial bargaining in Ontario has curbed the unions' ability to leapfrog wages within a trade. By prohibiting selective strikes, it has become increasingly difficult for strikers to find alternative employment to mitigate strike costs. It has also become difficult to leapfrog wages across trades. Pattern bargaining was tested by the three-month Plumbers' strike in 1982. The dispute was submitted to binding interest arbitration, where the pattern was upheld. Pattern bargaining also has reduced intertemporal pressures, i.e., demands for catch-up with other trades in the next bargaining round. This has produced more moderate wage settlements. With the exception of the 1982 bargaining round, construction wage settlements have been below the all-industry average (a reversal of the pattern under local bargaining)²⁷.

Saskatchewan has shown less evidence of pattern bargaining. Wage settlements have varied across trades. This is noteworthy given SCLRC's efforts to coordinate bargaining on a multi-trade basis. It suggests that individual trades have emphasized their distinctiveness if for no other reason than to resist what they have seen as SCLRC's attempts to impose multi-trade bargaining.

The slack demand for new construction beginning in late 1982 cast a shadow over the 1984 bargaining round. In Ontario, the civil trades agreed

²⁵ *Ibid.*

²⁶ In 1980, a settlement covering the operating engineers' trade was perceived as the key bargain, but a subsequent and higher wage increase for the sheet metal trade pierced the pattern. In other years, there were some minor deviations from the pattern. For example, the labourers' trade typically sets wages as a percentage of the hourly rate for the carpenters' trade. There have also been minor variations in the scheduling of wage increments.

²⁷ This reflects a comparison of base wage settlements in two-year collective agreements. Ontario Ministry of Labour, *Wage Developments in Collective Agreement Settlements in Ontario, 1978, 1980 and 1982*.

to a wage freeze in the first year and \$1.00 in the second; the mechanical trades accepted a \$1.00 package settlement, with 25¢ in the first year. The negotiations were completed without a major work stoppage.

Negotiations have been inconclusive in Saskatchewan, where a rapid rise in nonunion construction and the repeal of accreditation legislation have obliterated the pre-existing bargaining structure. As a whole, individual contractors have shown little interest in negotiating with unions. The unions, however, have been reluctant to resume dealing with the weakened SCLRC, which is the only body whose *raison d'être* consists of bargaining with the unions. In the talks which have occurred, the employer representatives have demanded large wage roll backs and contract concessions which the unions have found unacceptable. Despite an attempt by employers to have collective agreements terminated at the time they expired in May 1984, the 1982 agreement has remained in effect. Perhaps the supreme irony is that the trades have been meeting on a multi-trade basis in an attempt to negotiate an agreement with the Industrial Contractors Association of Canada to cover industrial projects.

NONWAGE OUTCOMES

Space limitations preclude an extensive analysis of nonwage issues. Our principal objective was to determine what effect mandatory bargaining structures had on traditionally important issues such as hiring and subcontracting. Specifically, we wanted to ascertain whether substantive changes had been negotiated and whether there was increased standardization of contract terms. For our selected trades in Ontario, we examined the first three provincial agreements to see whether the tremendous diversity found in local conditions remained unchanged or had been standardized. In Saskatchewan, the primary focus was on whether centralized bargaining encouraged multi-trade standardization of employment conditions in the 1980 and 1982 bargaining rounds. The six issues we examined were: hiring provisions; union stewards; hour of work; overtime premiums; travel, room and board; and inclement weather reporting allowance.

Given management's desire to remain competitive and the building trades' tradition of local craft autonomy, one might anticipate difficulty in standardizing contracts. Kochan observes that «private-sector management bargains hardest on those issues affecting its flexibility and efficient utilization of the work force (i.e., the nonwage factors most directly affecting productivity)»²⁸. While management respondents favoured reducing and

²⁸ Thomas A. KOCHAN, *Collective Bargaining and Industrial Relations*, Homewood, Illinois, Richard D. Irwin, 1980, p. 223.

eliminating inefficient work practices, they acknowledged that intense intraorganizational bargaining was required to achieve a consensus on non-wage goals within and across trades. As well, management's ability to standardize working conditions will be influenced by union resistance. We would anticipate union resistance to be greatest where union security (e.g., hiring and subcontracting) and/or local prerogatives (e.g., pay perks and allowances) are threatened.

There are three major findings with respect to nonwage bargaining. First, those trades which voluntarily adopted provincial bargaining and had practiced it longer, achieved the greatest standardization of nonwage working conditions. In Saskatchewan, where provincial bargaining has been coordinated by SCLRC since the early 1970's, there was substantial uniformity of working conditions within and among trades prior to accreditation legislation. Under accreditation, there were modest changes. For example, living and travel allowances were standardized across our five trades. In Ontario, two trades bargained provincially prior to legislative changes. Each trade had achieved substantial uniformity in nonwage conditions among local areas.

Second, for most Ontario trades there has not been a move to standardize local conditions. For issues where substantial inter-regional differences exist (e.g., travel, room and board), they have remained. Indeed, most provincial agreements amount to little more than a collection of local area appendices. Where changes were made, they typically involved «housecleaning» items e.g., union recognition, health and safety and grievance and arbitration procedures. Standardization of strategically important issues, e.g., hiring and subcontracting, is rare. The chief beneficiaries have been weaker local unions and employers who bargained with stronger local unions. Most union and employer respondents reported that nonwage bargaining produced equitable outcomes.

Third, maintenance of the status quo in nonwage bargaining reflects another management-union tradeoff. Under provincial bargaining, it became extremely difficult for local area contractors or individual unions to pursue issues to impasse. While sidetable talks permit discussion of purely local issues, it is the provincial bargaining agents who retain ultimate control over the content of collective agreements. As a result, the ability of a strong local union to extract lucrative contract terms, i.e., improve its position vis-à-vis other areas or a group of contractors, and to vigorously pursue local area concessions has been constrained.

With the construction downturn and increased nonunion competition, it appeared that contractors would aggressively pursue nonwage concessions in the 1984 bargaining round. There was an attempt to reform hiring

and other practices, but for the most part contractors settled for wage restraint or rollbacks. It is not at all certain whether these changes alone are sufficient to improve the unionized sector's competitiveness. Arguably, the parties will have to take a long, hard look at traditional practices such as work jurisdiction and job assignment if they hope to reduce labour costs and compete in a changing market²⁹.

CONCLUSION

The Ontario and Saskatchewan experiences allow for drawing useful comparisons, provided one remains cognizant that their apparently similar accredited centralized bargaining structures were derived from different roots. The Ontario construction industry moved from an accredited local bargaining structure to an accredited centralized bargaining by trade. The Saskatchewan structure shifted from a voluntarily centralized bargaining structure to an accredited centralized bargaining. This helps to explain why the two systems yielded different outcomes, particularly in the area of industrial conflict.

Theory holds that when bargaining is initially centralized, relative strike frequencies will decline. The evidence shows that this in fact occurred in Ontario. In Saskatchewan, where centralized bargaining already existed, there was virtually no change in strike frequencies. It is noteworthy that both provinces experienced sharp rises in the relative severity of industrial conflict after accredited centralized bargaining was implemented.

Environmental factors account for some of this increased conflict. Projected strong demand and high inflation no doubt fueled workers' expectations and willingness to engage in militant action. The industry was moving out from under a period of wage controls which had limited the utility of the strike weapon. Moreover, the parties' need to establish power balances as a result of the structural changes also contributes to the explanation.

Comparative analysis helps to provide explanations to other aspects of the rising severity of industrial conflict. There is an important qualitative distinction between the structural changes in two jurisdictions. The legislative changes which introduced centralized accredited bargaining into Ontario preserved a clear craft orientation to bargaining. The locus of decision making in bargaining was merely shifted geographically from the local to a central level on both the union and employer sides. In other words,

²⁹ John DEVERELL, «Building Sector Failing to Face Efficiency Ills», *Toronto Star*, May 13, 1984, p. G3.

union and employer bargaining agencies reflect *de facto* craft orientation and bargaining autonomy. The employers' coordinating agency (CECCO) has been assigned no formal bargaining role or power. The fact that craft institutions were not threatened undoubtedly brighten the prospects for interparty consensus. Since the structure does not appear to pose a threat to craft traditions, organizations or identities, Ontario unions are satisfied to work out their differences with the contractors within this framework. The informal pattern mechanism continues to be relied upon to combat inter-trade leapfrogging.

Due to the relative smallness of the Saskatchewan construction industry, accreditation legislation was implemented in a way which allowed employers to take an «industrial» approach to bargaining. SCLRC's position as the sole accredited employers' representative gave it the right to bargain with each craft union. Inevitably, SCLRC undertook to plan and coordinate common approaches for its 18 trade divisions. This structure allowed the large general contractors, whose concerns span several trade divisions, to influence SCLRC into bargaining for the establishment of greater across-trade uniformity. The trades prefer to dwell upon their distinctiveness rather than the commonalities evident to industrially-oriented employers. The unions interpreted the employers' approach as multi-trade bargaining and a threat to craft autonomy, traditions, structures and ultimately the craft system of shop floor control³⁰. Consequently, as SCLRC pursued industry-wide uniformity, individual trades clung to symbols of craft distinctiveness. The Saskatchewan trades were content with constraints imposed by pattern bargaining, but they resisted SCLRC's efforts to use single-trade accreditation to orchestrate across-trade uniformity. Consensus failed to emerge and the severity of conflict escalated. This was evident in the protracted strike in 1982 and both parties' tacit acceptance of the repeal of accreditation legislation in the following year.

It appears that differences in the relative severity of industrial conflict in the two provinces stem from different phenomena. The increased size of strikes in Ontario stems largely from consolidation of local bargaining units. In Saskatchewan, accreditation accounted for the increased size of strikes. Since SCLRC became the dominant employer bargaining agent and selective strikes were outlawed, the scope of conflict widened.

The increases in strike duration in Ontario are the likely result of readjustments of power relationships. In Saskatchewan, they reflect a similar power readjustment as well as a determined defense of the principle of craft autonomy in the face of what the unions perceived as multi-trade bargaining by employers' representatives.

³⁰ Michael J. PIORE and Charles F. SABEL, *The Second Industrial Divide*, New York, Basic Books, 1984.

It appears that Ontario has resolved its bargaining structure problems using centralized accredited structures by trade. Policy makers interested in perpetuating collective bargaining in Saskatchewan's construction industry still face many uncertainties. It is still unclear what structures a province of its size can use to facilitate craft-based bargaining or whether the employers' proclivity for an industrial orientation in the form of multi-trade bargaining is something which the unions must come to accept.

It appears that the introduction of centralized accredited bargaining in Ontario and Saskatchewan had less impact upon wage settlements. Construction wages predominantly have been a function of market factors or government policy, in the case of wage controls. However, to the extent that unions had previously made effective use of the now-proscribed tactics, e.g., selective strikes and intratrade leapfrogging of wages, changes in the law have influenced some aspects of wage determination. In addition, the adoption of industry-wide pattern bargaining has made it increasingly difficult to leapfrog wages across trades.

Finally, with regard to nonmonetary bargaining issues, it is evident that the size and diversity of the Ontario construction industry make intratrade standardization of contract provisions difficult to achieve. In the relatively small Saskatchewan industry, intratrade standardization was achieved prior to accreditation with relative ease. The Saskatchewan experience does demonstrate the strength of union resistance to employers' attempts to press for intertrade standardization within a single trade bargaining system.

Les effets des structures de négociation dans l'industrie de la construction en Ontario et en Saskatchewan

Depuis au moins deux décennies, les législateurs ont renouvelé les structures de négociation dans l'industrie de la construction. La phase initiale a consisté à renforcer les associations d'employeurs par l'établissement de régimes d'accréditation. Des réformes subséquentes portèrent sur l'établissement de structures de négociations provinciales obligatoires et sur la réglementation du choix des agents de négociation. Le but de l'article est de reconsidérer le développement de la législation récente en Ontario et en Saskatchewan et d'évaluer son impact sur le processus de négociation et ses résultats.

Bien que les deux provinces aient imposé la négociation obligatoire par métier à la grandeur de la province, l'empressement pour le changement fut différent. L'Ontario, qui a établi l'accréditation par métier en 1971, fut désappointée de l'incapacité de l'industrie d'accepter volontairement la négociation sur une base élargie. Dans la réalité, les structures de négociations restèrent fragmentées par métier et par région. Contrairement à la plupart des provinces, la Saskatchewan ne légiféra pas sur l'accréditation au début des années 1970. Tout de même, la négociation provinciale fut expérimentée par la plupart des métiers. Le résultat en fut que la structure de négociation manqua d'assises juridiques et que les associations d'entrepreneurs ne bénéficiaient pas de la protection offerte par l'accréditation. Ainsi, selon des modes différents, chaque province adopta des réponses conçues en vue d'améliorer le régime de négociation collective.

Notre analyse se fonde surtout sur une comparaison des expériences de négociation à la fois antérieures et postérieures à l'établissement de structure de négociations obligatoires. Dans le cas de l'Ontario, nous avons comparé la période 1970-1977 (négociations au niveau local) et 1978-1982 (les trois premières rondes de négociations provinciales); en Saskatchewan, nous avons comparé la période antérieure à l'accréditation (1970-1979) avec les deux rondes de négociations sous le régime de l'accréditation (1980-1982). Là où la chose se pouvait, nous avons aussi tenu compte des résultats de la ronde de négociation de 1984.

La négociation au plan de la province a donné des résultats mitigés. La fréquence relative des grèves a décliné en Ontario (de .17 à .09 grève par millier de travailleurs), mais le déclin ne fut que peu marqué en Saskatchewan (de .44 à .38 grève par mille travailleurs). Les deux provinces ont enregistré des augmentations dramatiques de la dureté des conflits industriels. Le nombre de jours-personnes perdus par millier de travailleurs s'est élevé de 92 pour cent en Ontario et de 116 pour cent en Saskatchewan. Ces majorations correspondent aux changements dans le volume et la durée des arrêts de travail.

On peut examiner dans une autre perspective le fonctionnement des structures de négociations obligatoires en analysant les résultats des grèves au cours des principales rondes de négociations en regard de ceux qu'on observe pour l'ensemble du pays. Pour la plupart des grèves, les données ontariennes se comparent à la moyenne nationale, ce qui est surtout vrai pour l'année 1982, année particulièrement mauvaise en matière de conflits dans l'industrie de la construction. Toutefois, la ronde de négociations de l'année 1984 s'est terminée sans aucun arrêt de travail. Au contraire, le nombre des grèves fut beaucoup plus élevé que la moyenne nationale en Saskatchewan.

Notre analyse portant sur les règlements des questions salariales a démontré que ceux-ci avaient été modérés comparativement à ceux de la décennie 1970. Cependant, c'est en Ontario que cette modération fut la plus évidente. Les augmentations moyennes annuelles tant au plan local que provincial de négociation furent généralement au-dessous de la moyenne canadienne. À la suite de l'établissement de la négociation provinciale en 1978, les majorations annuelles moyennes tombèrent aussi basses que de quatre à cinq pour cent dans certaines villes. Il y a donc preuve que la négociation centralisée a favorisé des ententes générales et uniformes tout en diminuant les tactiques de saute-mouton des syndicats.

Contraste frappant, les ententes salariales en Saskatchewan ont été parmi les plus élevées au Canada. Tandis qu'il se produisit certaine modération dans les majorations de salaires dans l'industrie de la construction à la suite de l'accréditation, celles-ci furent de trois pour cent au-dessus de la moyenne nationale entre 1980 et 1984, aussi Saskatoon et Régina enregistrèrent-elles les hausses les plus fortes parmi les villes canadiennes. Les raisons semblent en être attribuables à la forte demande de l'industrie ainsi qu'à la recherche par les syndicats de la parité salariale avec les corps de métiers en Alberta.

Les résultats constatés par cette étude confirment le point de vue selon lequel les changements dans la structure de négociations n'engendrent pas instantanément la stabilité des relations professionnelles. À court terme, les ajustements structurels donnent souvent lieu à des actes de grève plus graves. En Ontario, les parties se sont bien adaptées à la négociation par métier et à la négociation provinciale. L'Ontario a profité du fait qu'il y avait un consensus favorisant des modifications majeures à la structure des négociations et qu'il y eut d'intenses consultations entre les représentants du gouvernement, des travailleurs et des employeurs. Bien que la Saskatchewan ait opté pour un type de négociation par métier au plan provincial, des problèmes survinrent parce qu'une seule association d'employeurs avait acquis les droits de négocier pour la plus grande partie de l'industrie. Les craintes initiales des syndicats de la Saskatchewan au sujet de la négociation multi-métiers se sont avérées bien fondées. Le résultat en fut que les parties transposèrent simplement les problèmes qui avaient empoisonné leurs relations dans la structure d'accréditation d'où la continuation des vieilles querelles. La fiction juridique de la négociation pour un seul métier en face de la négociation multi-métiers *de facto* conduisit à l'abrogation de la loi sur l'accréditation de la Saskatchewan après la ronde de négociations de 1982.

LE STATUT DE SALARIÉ EN MILIEU DE TRAVAIL

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